

**UNITED STATES COURT OF APPEALS**

**July 18, 2005**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

ANGEL F. SMITH, also known as  
Angel F. Miller; EAGLE  
INCORPORATED/2 ANGELS,  
formerly known as Herb Specialty  
Repair,

Plaintiffs-Appellants,

v.

OKLAHOMA DEP'T OF HUMAN  
SERVICES; STATE OF  
OKLAHOMA; GOVERNOR BRAD  
HENRY; MAYOR MICK CORNETT,

Defendants-Appellants.

No. 05-6060  
(D.C. No. 05-CV-00068-L)  
(W.D. Okla.)

**ORDER AND JUDGMENT \***

Before **BRISCOE** , **LUCERO** , and **MURPHY**, Circuit Judges.

Plaintiff Angel Smith, proceeding pro se, appeals the dismissal of her civil

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\* The case is unanimously ordered submitted without oral argument pursuant to Fed. R. App. P. 34(a)(2) and 10th Cir. R. 34.1(G). This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

complaint in which she appears to allege retaliation because of her whistle-blowing activities. After Smith filed an amended complaint generally alleging that her civil rights were violated, the district court dismissed Smith's complaint under 28 U.S.C. § 1915(e)(2). The court found that it lacked jurisdiction over defendants Department of Human Services and the State of Oklahoma and the two state officials sued in their official capacities under the Eleventh Amendment. The district court also determined that Smith had failed to allege any actions taken by the individual defendants that would state a claim upon which relief could be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). On careful review of the record, we agree with the district court. For substantially the same reasons as the district court, we **AFFIRM** the dismissal. Smith's request to proceed in forma pauperis is **GRANTED** .

ENTERED FOR THE COURT

Carlos F. Lucero  
Circuit Judge